



January 15, 2007

EXHIBIT 5  
DATE 1-15-07  
SB HB 92

Honorable Representative Stoker, Chair  
House Human Services Committee  
Montana House of Representatives  
Capitol  
Helena, MT 59620

Dear Honorable Representative Stoker:

**I write in support of HB92, an Act Modernizing Public Health Statutes, sponsored by Representative Eve Franklin.**

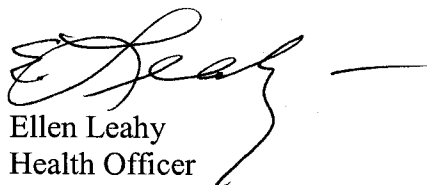
This bill proposes revisions to Montana's long-standing public health statutes that:

- 1) Bring the state and local public health systems up to date to address the contemporary diseases affecting Montana's such as the chronic diseases which have surpassed communicable diseases as our top public health problems; and,
- 2) Upgrade the legal framework necessary to keep communicable diseases in check and to better prepare and respond to new communicable diseases such as West Nile Virus, SARS, or a pandemic strain of influenza; and,
- 3) Retain Montana's tradition of respecting the concerns and influence of local citizens through the public forum of local health boards appointed by locally elected officials while better delineating state and local roles.

The bill was, in part, informed by national guidance used by the many states that have recently upgraded their public health laws, but was primarily shaped by the several-years process of discussion and deliberation that took place at the community level across our state.

The Missoula City-County Health Board and the Missoula City-County Health Department strongly urge a recommendation of do pass on HB92. Thank you for your consideration of my comments.

Sincerely,

  
Ellen Leahy  
Health Officer

ADMINISTRATION  
(406) 523-4770

ANIMAL CONTROL  
(406) 523-4785

ENVIRONMENTAL HEALTH  
(406) 523-4755

HEALTH EDUCATION  
(406) 523-4775

HEALTH SERVICES  
(406) 523-4750

NUTRITION SERVICES  
(406) 523-4740

PARTNERSHIP HEALTH CENTER  
(406) 523-4769

WATER QUALITY DISTRICT  
(406) 523-4890

**Flathead City-County Health Department**

1035 First Ave. West Kalispell, MT 59901  
(406) 751-8101 FAX 751-8102  
[www.flatheadhealth.org](http://www.flatheadhealth.org)

Community Health Services  
751-8110 FAX 751-8111  
Environmental Health Services  
751-8130 FAX 751-8131  
Reproductive Health Services  
751-8150 FAX 751-8151  
Home Health Services  
751-6800 FAX 751-6807  
WIC Services  
751-8170 FAX 751-8171

January 11, 2007

Representative Ron Stoker, Chair  
House Human Services Committee  
Capital Station  
Helena, MT 59620

VIA Facsimile

Re: House Bill 92 – Public Health Statute Modernization

Dear Representative Stoker,

The Flathead City-County Health Department supports HB 92, an Act modernizing public health statutes. The existing public health laws are antiquated and are not capable of addressing contemporary public health threats facing our communities such as pandemic influenza, and new and emerging chronic diseases such as obesity-related diabetes.

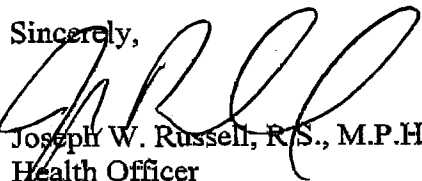
Not many Bills will be introduced this session that have been so thoughtfully prepared. We in the public health community have been working on modernizing our statutes for many years. We have incorporated the very best template created by leading national public health organizations to establish our process for change. Most notable, the Montana public health system worked with attorneys from Georgetown and Johns Hopkins Universities' Center for Law and the Public's Health to identify key areas of the Montana law that most needed updating.

Most notable, the fruits of our labor and the amendments before you will:

- Clearly defines the basic authorities and responsibilities of public health entities;
- Creates a system that builds relationships throughout the public health system;
- Defines conditions of public health importance; and
- Utilizes contemporary public health practices to address these conditions.

We hope you view these amendments favorably and consider this Bill an important aspect of public health's ability to "assure conditions in which people can be healthy" as cited in our own mission statement. Please contact me at (406) 751-8103 if you have any question regarding our position in support of HB 92.

Sincerely,

  
Joseph W. Russell, R.S., M.P.H.  
Health Officer

*It is the mission of the Flathead City-County Health Department to assure the conditions in which people can be healthy through collaboration, education, promoting stewardship of our resources, and providing preventive health services to our community.*



JOHN ENGEN

OFFICE OF THE MAYOR

435 RYMAN MISSOULA, MONTANA 59802-4297

January 12, 2007

Honorable Representative Ron Stoker, Chair  
House Human Services Committee  
Montana House of Representatives  
Capitol  
Helena, MT 59620

Dear Honorable Representative Stoker:

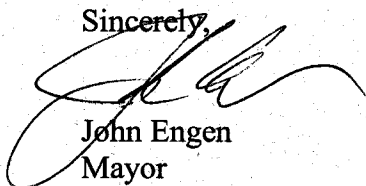
**I write in support of HB92, an Act Modernizing Public Health Statutes, sponsored by Representative Eve Franklin.**

The revisions to Montana's state and local public health statutes that HB92 proposes has two aims: 1) To better respond and prepare for today's public health issues including new infectious diseases such as West Nile Virus and the potential for a pandemic influenza plus the growing burden of chronic diseases such as diabetes, heart disease and cancer; and 2) To clearly delineate the long-standing basic authorities and responsibilities of and between Montana's state and local public health entities within a modern legal framework – a move many states have made recently.

The well-advised provisions of HB 92 are the result of a several-year process of discussion and deliberation that took place at the community level across the state. The result is that HB92 carefully continues Montana's tradition of respecting the concerns and influence of local citizens through the public forum of local health boards appointed by locally elected officials.

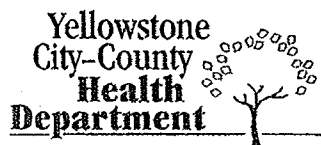
Thank you for your consideration of my comments.

Sincerely,



John Engen  
Mayor

C: Members of the House Human Services Committee



Phone (406) 247-3200 • Fax: (406) 247-3202  
123 South 27<sup>th</sup> Street • P.O. Box 35033 • Billings, MT 59107

January 12, 2007

The Honorable Ron Stoker, Chairman  
House of Representatives Human Services Committee  
Montana State House of Representatives  
PO Box 200400  
Helena, MT 59620-0400

RE: HB 92 – Modernization of Public Health Statutes

Dear Representative Stoker and Members of the House Human Services Committee:

On Monday, January 15<sup>th</sup>, 2007 you will hear HB 92, the Public Health Modernization Act, which is being sponsored by Representative Eve Franklin. This bill, by the request of the Department of Public Health and Human Services, is in part based on the Model State Public Health Act which was developed by a number of leading national public health organizations with support from the Robert Wood Johnson Foundation. The Model Act has been the basis of nearly 80 bills and/or resolutions in 32 states since 2003.

Montana's public health statutes are woefully out-dated, with many written into law prior to 1950. Just as one should practice medicine with the most up-to-date scientific information, public health statutes should also reflect the most current public health practices. HB 92 seeks to support modern disease control measures which address current and emerging health problems and threats such as chronic disease and injury as well as pandemic influenza and the like. HB 92 also seeks to delineate the roles and responsibilities in the collaborative relationship between the many partners within the public health system including the state health department, local health departments and tribal governments.

HB 92 is the result of a multi-year process and numerous discussions held across the state. The concepts within HB 92 have been vetted by the Montana Association of Counties, the Montana County Attorney's, the Montana Public Health Association, local boards of health and others. In addition, members of the Legislature also had the opportunity to provide feedback during the development of HB 92. As written, HB 92 has broad-based bi-partisan support and reflects the three core functions and ten essential services of public health.

There are many players in the public health system and your support of HB 92 is paramount in protecting the health and safety of all Montanans. On behalf of the Yellowstone City-County Board of Health, I thank you for your thoughtful consideration of HB92 and look forward to working with you toward the bill's successful passage into law. If you have any questions, please do not hesitate to contact me at [barbaras@ycchd.org](mailto:barbaras@ycchd.org) or 651-6420.

Sincerely,

Barbara Schneeman, Manager  
Communications and Advocacy



## CITY-COUNTY HEALTH DEPARTMENT

115 4th Street South • Great Falls, MT 59401 • 406-454-6950

January 12, 2007

Representative Ron Stoker, Chairman  
House Human Services Committee  
Montana House of Representatives  
Helena, Montana 59620

RE: Testimony in SUPPORT of HB 92

Dear Chairman Stoker and Committee Members:

On behalf of Cascade City-County Health Department, I write in support of HB 92, a proposal to modernize and improve our public health statutes. Considerable portions of current public health law are antiquated and do not facilitate current, comprehensive and effective public health practice. Our state is faced with new public health issues and threats and the existing statutory foundation no longer matches current public health practice. There is a compelling need to modernize the statutes to assure a strong public health system.

The thrust of HB 92 is twofold. It seeks to clearly delineate basic authorities and responsibilities of the public health system by articulating public health power and authority within a framework of modern legal practices and public health science that balances protection of the public's health while respecting the rights of individuals and groups. HB 92 also provides a basis to address contemporary issues with modern disease control measures.

The proposal before you represents careful and vast deliberation over several years involving a broad based group of stakeholders across the entire state. A draft of the bill has been reviewed and discussed by local public health officials, government officials, health care providers, and county attorneys, as well as disaster and emergency personnel. It has already been endorsed by several statewide organizations including MACO, Montana Public Health Association, and the Montana Boards of Nursing and Medical Examiners respectively.

I urge your support of HB 92 to assure Montana's public health system remains strong, effective, and well poised to serve the citizens of our great state.

Thank you for your consideration.

Most Sincerely,

Cherry Loney, R.N., M.A.S.  
Health Officer/Executive Director

Letter of Support for HB 92 - 2007



## LEWIS & CLARK CITY-COUNTY Health Department

1930 Ninth Avenue  
Helena, MT 59601

PH: 406.4HEALTH or 406.443.2584  
Fax: 406.457.8990

January 12, 2007

The Honorable Ron Stoker, Chairman  
House of Representatives Human Services Committee  
Montana State House of Representatives  
PO Box 200400  
Helena, MT 59620-0400

RE: House Bill 92 – An Act to Modernize Montana's Public Health Statutes

Dear Representative Stoker and Members of the House Human Services Committee:

The Lewis and Clark City-County Health Department strongly supports HB 92, which would modernize Montana's public health statutes. Our Board of Health carefully reviewed and discussed this bill in June and we believe that the changes proposed would assist our health department in protecting the public's health.

Much of the language that describes the major duties and powers of state and local public health agencies is outdated – some were last updated in the 1940s! Also the current statute takes a piecemeal approach to listing various functions of state and local agencies, with an emphasis on public health's traditional roles in communicable disease control, sanitation, and hygiene.

One of the key updates to the statute would include defining conditions of public health importance. Conditions of public health importance are defined as, "a disease, syndrome, symptom, injury, or other threat to health that is identifiable on an individual or community level and can reasonably be expected to lead to adverse health effects in the community." This definition is a forward-looking approach that assures the scope of public health powers beyond disease-specific classifications and that supports the inclusion of contemporary health threats.

Thank you for your consideration of this important legislation. If you have any questions, please do not hesitate to contact me at [mreynolds@co.lewis-clark.mt.us](mailto:mreynolds@co.lewis-clark.mt.us) or (406) 457-8910.

Sincerely,

Melanie Reynolds, M.P.H.  
Health Officer  
Lewis and Clark County

**LEWIS AND CLARK CITY-COUNTY BOARD OF HEALTH**

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January 11, 2007

Chairman Ron Stoker and Members of the Human Services Committee  
Montana House of Representatives  
P.O. Box 200400  
Helena MT 59620

Dear Chairman Stoker and Committee Members:

The Lewis and Clark City County Board of Health strongly supports HB 92, an act to modernize Montana's public health statutes to better reflect current public health practice. The Board believes the citizens of Lewis and Clark County expect and deserve public health protection and updating the statutes would be critical to assuring this protection.

A draft of this bill was reviewed and discussed by our Board of Health and professional health department staff in June 2006. The Board reviewed the key components of the Act which include a need for a basic purpose statement for the public health system, clearly delineating local public health authorities and responsibilities, and defining the standards for conditions of public health importance. We learned that much of the language that describes the powers and duties of state and local public health was written over 30 years ago. The statutes were written over the years in a piecemeal fashion and do not reflect some of the contemporary public health issues we may be address in the future such as pandemic influenza.

Thank you for your consideration of HB 92 and we would appreciate your vote to pass this legislation.

Sincerely,

Jennifer Wintersteen, Chair  
Lewis and Clark City-County Board of Health

**BOARD OF COUNTY COMMISSIONERS**

Michael A. Murray      Ed Tinsley      Andy Hunthausen  
City County Building 316 North Park Helena, Montana 59623 406.447.8304 Fax: 406.447.8307

January 11, 2007

Chairman Ron Stoker and Members of the Human Services Committee  
Montana House of Representatives  
P.O. Box 200400  
Helena, MT 59620

Dear Chairman Stoker and Committee Members:

The Lewis and Clark Board of County Commissioners supports House Bill 92 which would modernize our state's public health statutes to reflect current public health practice. Over the last several years, Montana public health, medical and legal professionals, as well as policy makers have thoroughly reviewed and analyzed Montana's public health statutes and determined key areas in need of updating. Much of the language that describes the major public health powers of state and local agencies is outdated and vague and may not support current public health actions when implemented.


Also, Montana statutes and administrative rules focus on communicable disease control and sanitation, however, there is no general guidance for addressing diseases or conditions of current and future public health importance.

The County Commissioners, along with our Board of Health and Lewis and Clark City-County Health Department staff, work to promote a strong public health system that assures the necessary programs, services and protections to keep citizens in our county healthy.

Additionally, the Montana Association of Counties (MACO) passed a resolution at its September 2006 meeting in support of the public health modernization project. We would appreciate the committee's consideration and support of House Bill 92.

Sincerely,

  
Michael A. Murray, Chairman

  
Ed Tinsley, Vice-Chairman

  
Andy Hunthausen

**200TH ANNIVERSARY OF THE LEWIS & CLARK EXPEDITION**